

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 07-131
Table of Allotments,)	RM-11377
FM Broadcast Stations.)	
(Live Oak, Florida))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 2, 2008**Released: January 7, 2008**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division issued a *Notice of Proposed Rule Making* in response to a Petition for Rule Making filed by RTG Radio, LLC ("Petitioner").¹ The *Notice* proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, by substituting Channel *261A for vacant and unapplied for Channel *259A at Live, Oak, Florida, and to reserve the substituted channel for noncommercial educational ("NCE") use. The purpose of the proposed channel substitution is to accommodate petitioner's pending construction permit application to increase the operating facilities of Station WKAA(FM), FM Channel 258C1, at Willacoochee, Georgia.²

2. Petitioner filed comments supporting the allotment changes proposed in the *Notice*. No other comments were received.

3. We believe that the proposed channel substitution would serve the public interest, because it will retain a potential first NCE station at Live Oak while enabling FM Station WKAA to expand its service. Our staff engineering analysis confirms that the allotment of FM Channel *261A at Live Oak would, consistent with the Commission's policy,³ provide a first and/or second NCE service to at least ten percent of the population within the proposed 1 mV/m contour, and that such population is in excess of 2,000 persons. Moreover, our analysis confirms that the use of reserved FM Channels 200 through 220 at Live Oak is technically precluded.

4. Channel *261A can be allotted at Live Oak with a site restriction of 10.4 km (6.5 miles) south of city reference coordinates. The reference coordinates for Channel *261A at Live Oak are: 30-12-26 NL and 83-01-26 WL.

¹ *Live Oak, Florida*, Notice of Proposed Rule Making, 22 FCC Rcd 12,877 (MB 2007) ("Notice").

² File No. BPH-20070413AAB.

³ *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Second Report and Order, 18 FCC Rcd 6691 (2003) ("Second NCE R&O").

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁴

6. Accordingly, IT IS ORDERED, That effective February 21, 2008, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Live Oak, Florida	*261A

7. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

David G. O'Neil, Esq.
Rini Coran, P.C.
1615 L Street, N.W.
Washington, D.C. 20005
(Counsel for RTG Radio, LLC)

7. The window period for filing noncommercial educational applications for Channel *261A at Live Oak, Florida, will not be opened at this time. Instead, the issue of opening a filing window for this NCE reserved allotment will be addressed by the Commission in a subsequent *Order*. In addition, this reserved allotment will be conditioned on the construction and licensing of an NCE station that provides the requisite level of first and/or second NCE service under the relaxed reservation policy. In the event that no application for a reserved band allotment proposes such service, the allotment will become unrestricted and subject to the Commission's competitive bidding licensing procedures.⁵

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel *261A at Live Oak, Florida, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁴ See 5 U.S.C. § 801 (a)(1)(A).

⁵ See *Second NCE R&O*, 18 FCC Rcd at 6705.